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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

In the Matter of

**Advanced Television Systems
and Their Impact upon the
Existing Television Broadcast
Service**

MM Docket No. 87-268

To: The Commission

**SUPPLEMENT TO PETITION FOR RECONSIDERATION
OF THE COMMISSION'S MEMORANDUM OPINION AND ORDER
ON RECONSIDERATION OF THE FIFTH REPORT AND ORDER**

Pappas Telecasting of Southern California, L.L.C. ("Pappas"), the grantee of a construction permit to build a new UHF commercial television broadcasting station on NTSC Channel 54 in Avalon, California,^{1/} by counsel and in accordance with Section 1.429(d) of the Commission's Rules, hereby respectfully

- ^{1/} Pappas's application for the construction permit, File No. BPCT-860210KM, as amended, was granted in an *Order*, FCC 98I-27, adopted June 1, 1998 and released June 2, 1998, by the Commission's Assistant General Counsel for the Administrative Law Division. The application was originally filed on February 10, 1986 by Island Broadcasting Limited Partnership, a California Limited Partnership ("Island"), and was prosecuted for nearly 12 years in that capacity. The application was amended on January 30, 1998 in order to substitute Pappas for Island as the applicant.

supplements Pappas's and Pappas Telecasting of the Midlands, a California Limited Partnership's joint Petition for Reconsideration of the Commission's Memorandum Opinion and Order on Reconsideration of the Fifth Report and Order in this proceeding (the "Pappas Petition for Reconsideration"). ^{2/} The Pappas Petition for Reconsideration was filed with the Commission in this proceeding on May 1, 1998.

In the Pappas Petition for Reconsideration, Pappas argued that substantial equities favor reconsideration of the Commission's *Memorandum Opinion and Order on Reconsideration of the Fifth Report and Order* in this proceeding, 13 FCC Rcd 6860 (1998) (the "*Fifth Report and Order Reconsideration Order*"), to the extent that the *Fifth Report and Order Reconsideration Order* ruled that grantees of NTSC television station authorizations whose grants were received after April 3, 1997 are not eligible to receive a so-called "paired" digital television ("DTV") broadcasting station channel allotment. The Pappas Petition for Reconsideration set forth those equities in detail, with particular reference to the history of the Commission's proceedings that led to a grant of Pappas's application for a construction permit for a new NTSC television broadcasting station on Channel 54 in Avalon. In the Pappas Petition for Reconsideration, Pappas Telecasting of the Midlands, a California Limited Partnership ("Pappas/Midlands") -- a commonly-owned affiliate of Pappas -- also contended that the grantee of an NTSC television station authorization whose grant was received after April 3, 1997 should be eligible for a DTV channel allotment, and

2/ Simultaneously herewith under separate cover, Pappas is submitting a Motion for Leave to File this Supplement to the Pappas Petition for Reconsideration, as required by Section 1.429(d) of the Rules.

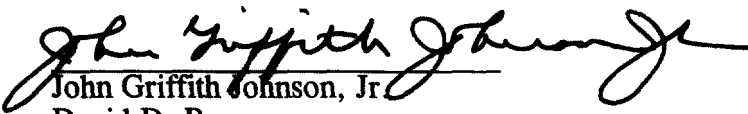
proceeded to identify a DTV allotment that could be paired with Pappas/Midlands' recently-authorized new NTSC television broadcasting station on Channel 23 in Ames, Iowa, without disrupting any DTV or NTSC television service.

Pappas's consulting broadcast engineer, Neil M. Smith of the firm of Smith and Fisher in Washington, D.C., has recently identified a DTV channel allotment that can be made to Avalon for pairing with the NTSC allotment of Channel 54. That DTV channel allotment is Channel 29. According to Mr. Smith's Engineering Statement, a copy of which is appended to this Supplement to the Pappas Petition for Reconsideration as Appendix A, the allotment of DTV Channel 29 to Avalon, using as the allotment site Mount Wilson in Southern California, may be made ". . . with no adverse impact on other digital or analog services." See Mr. Smith's Engineering Statement, at Page 1.

Given the substantial equities that support allotting a DTV channel to Avalon to be paired with the NTSC allotment of Channel 54, as set forth in the Pappas Petition for Reconsideration, and given Mr. Smith's identification of a DTV channel allotment that can be made to Avalon without disturbing any other DTV or NTSC service, Pappas respectfully submits that the Commission should reconsider its earlier determination in the *Fifth Report and Order Reconsideration Order* and should take the appropriate steps to allot DTV Channel 29 to Avalon.

Respectfully submitted,

**PAPPAS TELECASTING OF SOUTHERN
CALIFORNIA, L.L.C.**

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July 17, 1998

APPENDIX A

ENGINEERING STATEMENT

The engineering data contained herein have been prepared on behalf of PAPPAS TELECASTING OF SOUTHERN CALIFORNIA, L.L.C., permittee of a new television broadcast station to operate on Channel 54 in Avalon, California, in support of its Supplement to its Petition for Reconsideration of the *Memorandum Opinion and Order on Reconsideration of the Fifth Report and Order* in MM Docket No. 87-268.

The Commission has not provided DTV allotments to certain analog stations authorized in the recent past, including this Avalon facility. However, it would appear that a channel is available for this purpose.

Using an assumed site on Mount Wilson at 34° 13' 36", 118° 03' 59" and assuming an ERP of 50 kw and an antenna center of radiation of 1789 meters AMSL, we find that Channel 29 can be used for DTV operation with no adverse impact on other digital or analog services. Attached is a tabulation showing the closest allotments on Channels 28, 29, and 30, which are discussed as follows.

On Channel 28, the pertinent allotment is the NTSC operation of KCET, Los Angeles. This facility is essentially colocated with the proposed operation, which meets the Commission's requirements.

On Channel 29, the only allotment close enough to be of concern is KBAK-TV, Bakersfield. However, an interference study employing the NTIA on-line service reveals that with or without the proposed DTV facility, the KBAK-TV population which receives interference is zero.

On Channel 30, the only allotment close enough to require study is KPXN, San Bernardino. At 21.2 miles, KPXN would not be colocated with the proposed DTV facility but would be well within the 55 mile arc. However, an interference study reveals that KPXN will receive DTV interference to an area having a population of 437,000, and that the addition of the proposed DTV facility would not change this figure.

Thus, DTV Channel 29 can be allotted to Avalon with no adverse impact on any television station, based on the Commission's standards. Further, with the facilities specified, the DTV coverage contour will completely encompass the community of Avalon.

I declare under penalty of perjury that the foregoing statements and the attached tabulation are true and correct to the best of my knowledge and belief.



NEIL M. SMITH

June 23, 1998

ALLOCATION STUDY
PROPOSED DTV CHANNEL 29
AVALON, CALIFORNIA

<u>Channel</u>	<u>Analog or Digital</u>	<u>Call</u>	<u>Location</u>	<u>Mileage Separation</u>		
				<u>Required</u>	<u>Actual</u>	<u>Result</u>
28	A	KCET	Los Angeles, CA	<6, >55	0.3	OK
29	A	KBAK-TV	Bakersfield, CA	152	89.6	-62.4
29	A	Alloc.	Ensenada, BJ	152	183.3	+31.3
29	D	KFBT	Las Vegas, NV	139	208.3	+69.3
30	A	KPXN	San Bernardino, CA	<6, >55	21.2	-33.8
30	D	KPBS	San Diego, CA	<20, >55	124.0	+69.0